



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-35**

September 26, 2002

Mr. David & Mrs. Jodie Meyers
31 Lost Mine Place
Ridgefield, CT 06817

RE: DES Wetlands File #2000-00966 1 Sturtevant Cove Rd, Center Harbor

Dear Mr. & Mrs. Meyers:

On September 13th and September 23rd, of 2002, personnel from the Department of Environmental Services ("DES") conducted inspections of the above referenced property, more specifically referenced on Town of Center Harbor Tax Map 6 as Lot 31 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and subsequent file review the following deficiencies were documented:

1. On May 24, 2000, DES issued a letter of completeness for the installation of a 6 foot x 40 foot seasonal pier, with specific conditions for the installation and maintenance of the pier (*See enclosed copy of the letter*).
2. On September 12, 2002, DES received a complaint of possible fill placed in a wetland, and placement of the seasonal pier within the 20 foot setback of the abutters' property line.
3. On September 13, DES personnel documented approximately 2 cubic yards of fill placed in a wetland for the construction a walkway measuring approximately 3 feet x 13 feet, for access to a small upland area where the seasonal pier was installed.
4. The seasonal pier measures approximately 6 feet by 40 feet, and crosses over the imaginary extension of the abutters' property line.
5. On September 20, 2002, DES personnel documented an additional area of fill measuring approximately 8 feet by 4 feet placed in the wetland near the walkway.

In response, you are requested to take the following actions:

1. Within 60 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist or

licensed environmental engineer, and include provisions for removal of the 3 foot by 13 foot walkway and associated fill, removal of the additional fill, measuring approximately 4 feet by 8 feet, placed on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
 - f. A provision to delineate the wetlands within the restoration site after 5 full growing seasons and document the delineation with data forms and depict the delineation on a site plan.
2. Retain a qualified wetland scientist or licensed environmental engineer to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.
 4. DES requests that you relocate the seasonal pier to the site previously agreed upon in the notification submitted to DES on May 22, 2000 (*Copy of notification enclosed*).

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY
Mazy Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9712

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Mark Harbaugh, DES Enforcement Attorney
Center Harbor Conservation Commission
Center Harbor Board of Selectmen
David Killoy, USACOE